#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Box Patent Application** 

Assistant Commissioner For Patents Washington, D.C. 20231

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of John A. Kink and Katherine L. Worledge for **Prevention and Treatment of Necrotizing Enterocolitis**.

#### CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therem are being deposited with the U.S. Postal Service on this date April 10, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL512053477US addressed to: Box Patent Application, Assistant Commissioner For Patents, Washington, D.C. 20231.

Traci E. Ligh

1. Type Of Application

This new application is for a(n)

- Original (nonprovisional)
- Continuation.
- 2. Benefit Of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)
  - The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.
- 3. Papers Enclosed That Are Required For Filing Date Under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application
  - 26 Pages of Specification
  - 2 Pages of Claims
  - 1 Page of Abstract
- 4. Declaration
  - **Enclosed** 
    - Unexecuted.
- 5. Inventorship Statement

The inventorship for all the claims in this application is:

- Ithe same
- 6. Language
  - English
- 7. Assignment
  - An assignment of the invention to Promega Corporation is attached.
    - Form PTO-1595 will follow.
- 8. Fee Calculation (37 C.F.R. § 1.16)
  - Regular application

### CLAIMS AS FILED

| Number Filed                                              | Number Extra | Rate          | Basic Fee - \$690.00<br>(37 C.F.R. § 1.16(a)) |
|-----------------------------------------------------------|--------------|---------------|-----------------------------------------------|
| Total Claims (37 C.F.R. § 1.16(c))                        | 14 - 20 =    | 0 × \$18.00 = | \$0.00                                        |
| Independent Claims (37 C.F.R. § 1.16(b))                  | 2 - 3 =      | 0 × \$78.00 = | \$0.00                                        |
| Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d)) | + \$260.00 = |               | \$0.00                                        |

Filing Fee Calculation

\$690.00

9. Fee Payment Being Made At This Time × Enclosed \$690.00 X basic filing fee **Total Fees Enclosed** \$690.00 Method of Payment of Fees 10. Check in the amount of \$690.00 Authorization To Charge Additional Fees and Credit Overpayment 11. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.: 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose. 12. Power of Attorney by Assignee × Enclosed 13. Return Receipt Postcard × Enclosed

Dated: \_\_\_\_\_ April 10, 2001

MEDLEN & CARROLL, LLP 220 Montgomery Street, Suite 2200 San Francisco, California 94104 (415) 705-8410

Peter G. Carroll
Registration No.: 32,837

☑ Incorporation By Reference Of Added Pages

Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s)
Claimed

Number of pages added  $\underline{1}$ 

Attorney Docket No.: OPHD-06331

# ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

- 14. Relate Back
  - A. 35 U.S.C. § 119(e)
  - B. 35 U.S.C. §§ 120, 121 and 365(c)
  - Amend the Specification by inserting before the first line the sentence: "This is a Continuation of copending application(s) 09/318,109 issued on 04/10/01."
- 15. Further Inventorship Statement Where Benefit Of Prior Application(s) Claimed
  - This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
    - the same.

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